



General Assembly

February Session, 2016

Raised Bill No. 292

LCO No. 1754



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

AN ACT CONCERNING BEHAVIOR ANALYSTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective January 1, 2017*) As used in this section,
2 sections 2 to 6, inclusive, of this act and section 19a-14 of the general
3 statutes, as amended by this act:

4 (1) "Behavior analysis" means the design, implementation and
5 evaluation of environmental modifications, using behavior stimuli and
6 consequences, including the use of direct observation, measurement
7 and functional analysis of the relationship between the environment
8 and behavior, to produce socially significant improvement in human
9 behavior but does not include: (A) Psychological testing, (B)
10 neuropsychology, (C) cognitive therapy, (D) sex therapy, (E)
11 psychoanalysis, (F) hypnotherapy, (G) cognitive behavioral therapy,
12 (H) psychotherapy, or (I) long-term counseling as treatment
13 modalities;

14 (2) "Behavior analyst" means a person who is licensed to practice
15 behavior analysis under the provisions of section 3 or 5 of this act;

16 (3) "Assistant behavior analyst" means a person who is licensed to
17 assist in the practice of behavior analysis under the supervision of, or
18 in consultation with, a behavior analyst under the provisions of section
19 4 or 5 of this act; and

20 (4) "Behavior Analyst Certification Board" has the same meaning as
21 provided in section 20-185i of the general statutes, or a successor of
22 said board.

23 Sec. 2. (NEW) (*Effective January 1, 2017*) (a) No person may practice
24 behavior analysis or assist in the practice of behavior analysis unless
25 licensed pursuant to section 3, 4 or 5 of this act.

26 (b) No person may use the title "behavior analyst", "assistant
27 behavior analyst" or make use of any title, words, letters or
28 abbreviations that may reasonably be confused with licensure as a
29 behavior analyst or assistant behavior analyst unless such person is
30 licensed pursuant to section 3, 4 or 5 of this act.

31 (c) The provisions of this section shall not apply to a person who (1)
32 provides behavior analysis or assists in the practice of behavior
33 analysis while acting within the scope of practice of the person's
34 license and training, provided the person does not hold himself or
35 herself out to the public as a behavior analyst or assistant behavior
36 analyst, (2) is a student enrolled in a behavior analysis educational
37 program accredited by the Behavior Analyst Certification Board, or a
38 graduate education program in which behavior analysis is an integral
39 part of the student's course of study and such student is performing
40 such behavior analysis or assisting in behavior analysis under the
41 direct supervision of a licensed behavior analyst, or (3) is an instructor
42 in a course approved by the Behavior Analyst Certification Board.

43 Sec. 3. (NEW) (*Effective January 1, 2017*) (a) The Commissioner of
44 Public Health shall grant a license as a behavior analyst to any
45 applicant who furnishes evidence satisfactory to the commissioner that
46 such applicant is certified as a behavior analyst by the Behavior

47 Analyst Certification Board. The commissioner shall develop and
48 provide application forms. The application fee shall be three hundred
49 fifty dollars.

50 (b) Licenses issued under this section may be renewed biennially.
51 The fee for such renewal shall be one hundred seventy-five dollars.
52 Each behavior analyst applying for license renewal shall furnish
53 evidence satisfactory to the commissioner of having current
54 certification with the Behavior Analyst Certification Board.

55 Sec. 4. (NEW) (*Effective January 1, 2017*) (a) The Commissioner of
56 Public Health shall grant a license as an assistant behavior analyst to
57 any applicant who furnishes evidence satisfactory to the commissioner
58 that such applicant is certified as an assistant behavior analyst by the
59 Behavior Analyst Certification Board. The commissioner shall develop
60 and provide application forms. The application fee shall be three
61 hundred fifty dollars.

62 (b) Licenses issued under this section may be renewed biennially.
63 The fee for such renewal shall be one hundred seventy-five dollars.
64 Each assistant behavior analyst applying for license renewal shall
65 furnish evidence satisfactory to the commissioner of having current
66 certification with the Behavior Analyst Certification Board.

67 Sec. 5. (NEW) (*Effective January 1, 2017*) A person may apply for
68 licensure by endorsement as a behavior analyst or assistant behavior
69 analyst. Such applicant shall present evidence satisfactory to the
70 commissioner that the applicant is licensed or certified as a behavior
71 analyst or assistant behavior analyst, or as a person entitled to perform
72 similar services under a different designation, in another state or
73 jurisdiction that has requirements for practicing in such capacity that
74 are substantially similar to, or higher than, those of this state and that
75 there are no disciplinary actions or unresolved complaints pending.

76 Sec. 6. (NEW) (*Effective January 1, 2017*) The Commissioner of Public
77 Health may take any disciplinary action set forth in section 19a-17 of

78 the general statutes against a behavior analyst or assistant behavior
79 analyst for any of the following reasons: (1) Failure to conform to the
80 accepted standards of the profession; (2) conviction of a felony; (3)
81 fraud or deceit in obtaining or seeking reinstatement of a license to
82 practice behavior analysis; (4) fraud or deceit in the practice of
83 behavior analysis; (5) negligent, incompetent or wrongful conduct in
84 professional activities; (6) physical, mental or emotional illness or
85 disorder resulting in an inability to conform to the accepted standards
86 of the profession; (7) alcohol or substance abuse; or (8) wilful
87 falsification of entries in any hospital, patient or other record
88 pertaining to behavior analysis. The commissioner may order a license
89 holder to submit to a reasonable physical or mental examination if his
90 or her physical or mental capacity to practice safely is the subject of an
91 investigation. The commissioner may petition the superior court for
92 the judicial district of Hartford to enforce such order or any action
93 taken pursuant to section 19a-17 of the general statutes. The
94 commissioner shall give notice and an opportunity to be heard on any
95 contemplated action under section 19a-17 of the general statutes.

96 Sec. 7. Subsection (c) of section 19a-14 of the 2016 supplement to the
97 general statutes is repealed and the following is substituted in lieu
98 thereof (*Effective January 1, 2017*):

99 (c) No board shall exist for the following professions that are
100 licensed or otherwise regulated by the Department of Public Health:

101 (1) Speech and language pathologist and audiologist;

102 (2) Hearing instrument specialist;

103 (3) Nursing home administrator;

104 (4) Sanitarian;

105 (5) Subsurface sewage system installer or cleaner;

106 (6) Marital and family therapist;

- 107 (7) Nurse-midwife;
- 108 (8) Licensed clinical social worker;
- 109 (9) Respiratory care practitioner;
- 110 (10) Asbestos contractor and asbestos consultant;
- 111 (11) Massage therapist;
- 112 (12) Registered nurse's aide;
- 113 (13) Radiographer;
- 114 (14) Dental hygienist;
- 115 (15) Dietitian-Nutritionist;
- 116 (16) Asbestos abatement worker;
- 117 (17) Asbestos abatement site supervisor;
- 118 (18) Licensed or certified alcohol and drug counselor;
- 119 (19) Professional counselor;
- 120 (20) Acupuncturist;
- 121 (21) Occupational therapist and occupational therapist assistant;
- 122 (22) Lead abatement contractor, lead consultant contractor, lead
123 consultant, lead abatement supervisor, lead abatement worker,
124 inspector and planner-project designer;
- 125 (23) Emergency medical technician, advanced emergency medical
126 technician, emergency medical responder and emergency medical
127 services instructor;
- 128 (24) Paramedic;

- 129 (25) Athletic trainer;
- 130 (26) Perfusionist;
- 131 (27) Master social worker subject to the provisions of section 20-
132 195v;
- 133 (28) Radiologist assistant, subject to the provisions of section 20-74tt;
- 134 (29) Homeopathic physician;
- 135 (30) Certified water treatment plant operator, certified distribution
136 system operator, certified small water system operator, certified
137 backflow prevention device tester and certified cross connection
138 survey inspector, including certified limited operators, certified
139 conditional operators and certified operators in training;
- 140 (31) Tattoo technician; [and]
- 141 (32) Genetic counselor;
- 142 (33) Behavior analyst; and
- 143 (34) Assistant behavior analyst.

144 The department shall assume all powers and duties normally vested
145 with a board in administering regulatory jurisdiction over such
146 professions. The uniform provisions of this chapter and chapters 368v,
147 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a
148 and 400c, including, but not limited to, standards for entry and
149 renewal; grounds for professional discipline; receiving and processing
150 complaints; and disciplinary sanctions, shall apply, except as otherwise
151 provided by law, to the professions listed in this subsection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	January 1, 2017	New section

Section 1	January 1, 2017	New section
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Sec. 2	<i>January 1, 2017</i>	New section
Sec. 3	<i>January 1, 2017</i>	New section
Sec. 4	<i>January 1, 2017</i>	New section
Sec. 5	<i>January 1, 2017</i>	New section
Sec. 6	<i>January 1, 2017</i>	New section
Sec. 7	<i>January 1, 2017</i>	19a-14(c)

Statement of Purpose:

To require the licensure of behavior analysts and assistant behavior analysts.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]